

110TH CONGRESS
1ST SESSION

S. 564

To modernize water resources planning, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2007

Mr. FEINGOLD (for himself and Mr. MCCAIN) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To modernize water resources planning, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Resources Plan-
5 ning and Modernization Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNCIL.—The term “Council” means the
9 Water Resources Council established under section

1 101 of the Water Resources Planning Act (42
2 U.S.C. 1962a).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Army.

5 **SEC. 3. NATIONAL WATER RESOURCES PLANNING AND**
6 **MODERNIZATION POLICY.**

7 It is the policy of the United States that all water
8 resources projects carried out by the Corps of Engineers
9 shall—

10 (1) reflect national priorities for flood damage
11 reduction, navigation, and ecosystem restoration;
12 and

13 (2) seek to avoid the unwise use of floodplains,
14 minimize vulnerabilities in any case in which a flood-
15 plain must be used, protect and restore the extent
16 and functions of natural systems, and mitigate any
17 unavoidable damage to natural systems.

18 **SEC. 4. MEETING THE NATION’S WATER RESOURCE PRIOR-**
19 **ITIES.**

20 (a) REPORT ON THE NATION’S FLOOD RISKS.—Not
21 later than 18 months after the date of enactment of this
22 Act, the Council shall submit to the President and Con-
23 gress a report describing the vulnerability of the United
24 States to damage from flooding and related storm dam-
25 age, including the risk to human life, the risk to property,

1 and the comparative risks faced by different regions of the
2 country. The report shall assess the extent to which the
3 Nation's programs relating to flooding are addressing
4 flood risk reduction priorities and the extent to which
5 those programs may unintentionally be encouraging devel-
6 opment and economic activity in floodprone areas, and
7 shall provide recommendations for improving those pro-
8 grams in reducing and responding to flood risks. Not later
9 than 90 days after the report required by this subsection
10 is published in the Federal Register, the Administration
11 shall submit to Congress a report that responds to the
12 recommendations of the Council and includes proposals to
13 implement recommendations of the Council.

14 (b) PRIORITIZATION OF WATER RESOURCES
15 PROJECTS.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this Act, the Council shall
18 submit to Congress an initial report containing a
19 prioritized list of each water resources project of the
20 Corps of Engineers that is not being carried out
21 under a continuing authorities program, categorized
22 by project type and recommendations with respect to
23 a process to compare all water resources projects
24 across project type. The Council shall submit to
25 Congress a prioritized list of water resources

1 projects of the Corps of Engineers every 2 years fol-
 2 lowing submission of the initial report. In preparing
 3 the prioritization of projects, the Council shall en-
 4 deavor to balance stability in the rankings from year
 5 to year with recognizing newly authorized projects.
 6 Each report prepared under this paragraph shall
 7 provide documentation and description of any cri-
 8 teria used in addition to those set forth in paragraph
 9 (2) for comparing water resources projects and the
 10 assumptions upon which those criteria are based.

11 (2) PROJECT PRIORITIZATION CRITERIA.—In
 12 preparing a report under paragraph (1), the Council
 13 shall prioritize each water resource project of the
 14 Corps of Engineers based on the extent to which the
 15 project meets at least the following criteria:

16 (A) For flood damage reduction projects,
 17 the extent to which such a project—

18 (i) addresses the most critical flood
 19 damage reduction needs of the United
 20 States as identified by the Council;

21 (ii) does not encourage new develop-
 22 ment or intensified economic activity in
 23 flood prone areas and avoids adverse envi-
 24 ronmental impacts; and

1 (iii) provides significantly increased
2 benefits to the United States through the
3 protection of human life, property, eco-
4 nomic activity, or ecosystem services.

5 (B) For navigation projects, the extent to
6 which such a project—

7 (i) produces a net economic benefit to
8 the United States based on a high level of
9 certainty that any projected trends upon
10 which the project is based will be realized;

11 (ii) addresses priority navigation
12 needs of the United States identified
13 through comprehensive, regional port plan-
14 ning; and

15 (iii) minimizes adverse environmental
16 impacts.

17 (C) For environmental restoration projects,
18 the extent to which such a project—

19 (i) restores the natural hydrologic
20 processes and spatial extent of an aquatic
21 habitat;

22 (ii) is self-sustaining; and

23 (iii) is cost-effective or produces eco-
24 nomic benefits.

1 (3) SENSE OF CONGRESS.—It is the sense of
 2 Congress that to promote effective prioritization of
 3 water resources projects, no project should be au-
 4 thorized for construction unless a final Chief's re-
 5 port recommending construction has been submitted
 6 to Congress, and annual appropriations for the
 7 Corps of Engineers' Continuing Authorities Pro-
 8 grams should be distributed by the Corps of Engi-
 9 neers to those projects with the highest degree of de-
 10 sign merit and the greatest degree of need, con-
 11 sistent with the applicable criteria established under
 12 paragraph (2).

13 (c) MODERNIZING WATER RESOURCES PLANNING
 14 GUIDELINES.—

15 (1) IN GENERAL.—Not later than 2 years after
 16 the date of enactment of this Act, and every 5 years
 17 thereafter, the Council, in coordination with the Na-
 18 tional Academy of Sciences, shall propose revisions
 19 to the planning principles and guidelines, regula-
 20 tions, and circulars of the Corps of Engineers to im-
 21 prove the process by which the Corps of Engineers
 22 analyzes and evaluates water projects.

23 (2) PUBLIC PARTICIPATION.—The Council shall
 24 solicit public and expert comment and testimony re-

1 garding proposed revisions and shall subject pro-
2 posed revisions to public notice and comment.

3 (3) REVISIONS.—Revisions proposed by the
4 Council shall improve water resources project plan-
5 ning through, among other things—

6 (A) focusing Federal dollars on the highest
7 water resources priorities of the United States;

8 (B) requiring the use of modern economic
9 principles and analytical techniques, credible
10 schedules for project construction, and current
11 discount rates as used by all other Federal
12 agencies;

13 (C) discouraging any project that induces
14 new development or intensified economic activ-
15 ity in flood prone areas, and eliminating biases
16 and disincentives to providing projects to low-
17 income communities, including fully accounting
18 for the prevention of loss of life as required by
19 section 904 of the Water Resources Develop-
20 ment Act of 1986 (33 U.S.C. 2281);

21 (D) eliminating biases and disincentives
22 that discourage the use of nonstructural ap-
23 proaches to water resources development and
24 management, and fully accounting for the flood

1 protection and other values of healthy natural
2 systems;

3 (E) utilizing a comprehensive, regional ap-
4 proach to port planning;

5 (F) promoting environmental restoration
6 projects that reestablish natural processes;

7 (G) analyzing and incorporating lessons
8 learned from recent studies of Corps of Engi-
9 neers programs and recent disasters such as
10 Hurricane Katrina and the Great Midwest
11 Flood of 1993; and

12 (H) ensuring the effective implementation
13 of the National Water Resources Planning and
14 Modernization Policy established by this Act.

15 (d) REVISION OF PLANNING GUIDELINES.—Not later
16 than 180 days after submission of the proposed revisions
17 required by subsection (b), the Secretary shall implement
18 the recommendations of the Council by incorporating the
19 proposed revisions into the planning principles and guide-
20 lines, regulations, and circulars of the Corps of Engineers.
21 These revisions shall be subject to public notice and com-
22 ment pursuant to subchapter II of chapter 5, and chapter
23 7, of title 5, United States Code (commonly known as the
24 “Administrative Procedure Act”). Effective beginning on
25 the date on which the Secretary carries out the first revi-

1 sion under this paragraph, the Corps of Engineers shall
2 not be subject to—

3 (1) subsections (a) and (b) of section 80 of the
4 Water Resources Development Act of 1974 (42
5 U.S.C. 1962d–17); and

6 (2) any provision of the guidelines entitled
7 “Economic and Environmental Principles and
8 Guidelines for Water and Related Land Resources
9 Implementation Studies” and dated 1983, to the ex-
10 tent that such a provision conflicts with a guideline
11 revised by the Secretary.

12 (e) AVAILABILITY.—Each report prepared under this
13 section shall be published in the Federal Register and sub-
14 mitted to the Committees on Environment and Public
15 Works and Appropriations of the Senate and the Commit-
16 tees on Transportation and Infrastructure and Appropria-
17 tions of the House of Representatives.

18 (f) WATER RESOURCES COUNCIL.—Section 101 of
19 the Water Resources Planning Act (42 U.S.C. 1962a) is
20 amended in the first sentence by inserting “the Secretary
21 of Homeland Security, the Chairperson of the Council on
22 Environmental Quality,” after “Secretary of Transpor-
23 tation,”.

1 (g) FUNDING.—In carrying out this section, the
 2 Council shall use funds made available for the general op-
 3 erating expenses of the Corps of Engineers.

4 **SEC. 5. INDEPENDENT PEER REVIEW.**

5 (a) DEFINITIONS.—In this section:

6 (1) CONSTRUCTION ACTIVITIES.—The term
 7 “construction activities” means development of de-
 8 tailed engineering and design specifications during
 9 the preconstruction engineering and design phase
 10 and the engineering and design phase of a water re-
 11 sources project carried out by the Corps of Engi-
 12 neers, and other activities carried out on a water re-
 13 sources project prior to completion of the construc-
 14 tion and to turning the project over to the local cost-
 15 share partner.

16 (2) PROJECT STUDY.—The term “project
 17 study” means a feasibility report, reevaluation re-
 18 port, or environmental impact statement prepared by
 19 the Corps of Engineers.

20 (b) DIRECTOR OF INDEPENDENT PEER REVIEW.—
 21 The Secretary shall appoint in the Office of the Secretary
 22 a Director of Independent Review. The Director shall be
 23 selected from among individuals who are distinguished ex-
 24 perts in engineering, hydrology, biology, economics, or an-
 25 other discipline related to water resources management.

1 The Secretary shall ensure, to the maximum extent prac-
2 ticable, that the Director does not have a financial, profes-
3 sional, or other conflict of interest with projects subject
4 to review. The Director of Independent Review shall carry
5 out the duties set forth in this section and such other du-
6 ties as the Secretary deems appropriate.

7 (c) SOUND PROJECT PLANNING.—

8 (1) PROJECTS SUBJECT TO PLANNING RE-
9 VIEW.—The Secretary shall ensure that each project
10 study for a water resources project shall be reviewed
11 by an independent panel of experts established under
12 this subsection if—

13 (A) the project has an estimated total cost
14 of more than \$40,000,000, including mitigation
15 costs;

16 (B) the Governor of a State in which the
17 water resources project is located in whole or in
18 part, or the Governor of a State within the
19 drainage basin in which a water resources
20 project is located and that would be directly af-
21 fected economically or environmentally as a re-
22 sult of the project, requests in writing to the
23 Secretary the establishment of an independent
24 panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall estab-

lish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project

study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW
RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the Internet.

1 (ii) RECOMMENDATIONS.—The Sec-
2 retary shall prepare a written explanation
3 of any recommendations of the inde-
4 pendent panel of experts established under
5 this subsection not adopted by the Sec-
6 retary. Recommendations and findings of
7 the independent panel of experts rejected
8 without good cause shown, as determined
9 by judicial review, shall be given equal def-
10 erence as the recommendations and find-
11 ings of the Secretary during a judicial pro-
12 ceeding relating to the water resources
13 project.

14 (iii) SUBMISSION TO CONGRESS AND
15 PUBLIC AVAILABILITY.—The report of the
16 independent panel of experts established
17 under this subsection and the written ex-
18 planation of the Secretary required by
19 clause (ii) shall be included with the report
20 of the Chief of Engineers to Congress,
21 shall be published in the Federal Register,
22 and shall be made available to the public
23 on the Internet.

24 (D) DEADLINES FOR PROJECT PLANNING
25 REVIEWS.—

1 (i) IN GENERAL.—Independent review
2 of a project study shall be completed prior
3 to the completion of any Chief of Engi-
4 neers report for a specific water resources
5 project.

6 (ii) DEADLINE FOR PROJECT PLAN-
7 NING REVIEW PANEL STUDIES.—An inde-
8 pendent panel of experts established under
9 this subsection shall complete its review of
10 the project study and submit to the Sec-
11 retary a report not later than 180 days
12 after the date of establishment of the
13 panel, or not later than 90 days after the
14 close of the public comment period on a
15 draft project study that includes a pre-
16 ferred alternative, whichever is later. The
17 Secretary may extend these deadlines for
18 good cause.

19 (iii) FAILURE TO COMPLETE REVIEW
20 AND REPORT.—If an independent panel of
21 experts established under this subsection
22 does not submit to the Secretary a report
23 by the deadline established by clause (ii),
24 the Chief of Engineers may continue
25 project planning without delay.

1 (iv) DURATION OF PANELS.—An inde-
 2 pendent panel of experts established under
 3 this subsection shall terminate on the date
 4 of submission of the report by the panel.
 5 Panels may be established as early in the
 6 planning process as deemed appropriate by
 7 the Director of Independent Review, but
 8 shall be appointed no later than 90 days
 9 before the release for public comment of a
 10 draft study subject to review under sub-
 11 section (c)(1)(A), and not later than 30
 12 days after a determination that review is
 13 necessary under subsection (c)(1)(B),
 14 (c)(1)(C), or (c)(1)(D).

15 (E) EFFECT ON EXISTING GUIDANCE.—
 16 The project planning review required by this
 17 subsection shall be deemed to satisfy any exter-
 18 nal review required by Engineering Circular
 19 1105–2–408 (31 May 2005) on Peer Review of
 20 Decision Documents.

21 (d) SAFETY ASSURANCE.—

22 (1) PROJECTS SUBJECT TO SAFETY ASSURANCE
 23 REVIEW.—The Secretary shall ensure that the con-
 24 struction activities for any flood damage reduction
 25 project shall be reviewed by an independent panel of

1 experts established under this subsection if the Di-
 2 rector of Independent Review makes a determination
 3 that an independent review is necessary to ensure
 4 public health, safety, and welfare on any project—

5 (A) for which the reliability of performance
 6 under emergency conditions is critical;

7 (B) that uses innovative materials or tech-
 8 niques;

9 (C) for which the project design is lacking
 10 in redundancy, or that has a unique construc-
 11 tion sequencing or a short or overlapping design
 12 construction schedule; or

13 (D) other than a project described in sub-
 14 paragraphs (A) through (C), as the Director of
 15 Independent Review determines to be appro-
 16 priate.

17 (2) SAFETY ASSURANCE REVIEW PANELS.—At
 18 the appropriate point in the development of detailed
 19 engineering and design specifications for each water
 20 resources project subject to review under this sub-
 21 section, the Director of Independent Review shall es-
 22 tablish an independent panel of experts to review
 23 and report to the Secretary on the adequacy of con-
 24 struction activities for the project. An independent
 25 panel of experts under this subsection shall be com-

1 posed of not less than 5 nor more than 9 inde-
2 pendent experts selected from among individuals
3 who are distinguished experts in engineering, hydrol-
4 ogy, or other pertinent disciplines. The Director of
5 Independent Review shall apply the National Acad-
6 emy of Science's policy for selecting committee mem-
7 bers to ensure that panel members have no conflict
8 with the project being reviewed. An individual serv-
9 ing on a panel of experts under this subsection shall
10 be compensated at a rate of pay to be determined
11 by the Secretary, and shall be allowed travel ex-
12 penses.

13 (3) DEADLINES FOR SAFETY ASSURANCE RE-
14 VIEWS.—An independent panel of experts established
15 under this subsection shall submit a written report
16 to the Secretary on the adequacy of the construction
17 activities prior to the initiation of physical construc-
18 tion and periodically thereafter until construction ac-
19 tivities are completed on a publicly available sched-
20 ule determined by the Director of Independent Re-
21 view for the purposes of assuring the public safety.
22 The Director of Independent Review shall ensure
23 that these reviews be carried out in a way to protect
24 the public health, safety, and welfare, while not
25 causing unnecessary delays in construction activities.

1 (4) SAFETY ASSURANCE REVIEW RECORD.—

2 After receiving a written report from an independent
3 panel of experts established under this subsection,
4 the Secretary shall—

5 (A) take into consideration recommenda-
6 tions contained in the report, provide a written
7 explanation of recommendations not adopted,
8 and immediately make the report and expla-
9 nation available to the public on the Internet;
10 and

11 (B) submit the report to the Committee on
12 Environment and Public Works of the Senate
13 and the Committee on Transportation and In-
14 frastructure of the House of Representatives.

15 (e) EXPENSES.—

16 (1) IN GENERAL.—The costs of an independent
17 panel of experts established under subsection (c) or
18 (d) shall be a Federal expense and shall not ex-
19 ceed—

20 (A) \$250,000, if the total cost of the
21 project in current year dollars is less than
22 \$50,000,000; and

23 (B) 0.5 percent of the total cost of the
24 project in current year dollars, if the total cost
25 is \$50,000,000 or more.

1 (2) WAIVER.—The Secretary, at the written re-
 2 quest of the Director of Independent Review, may
 3 waive the cost limitations under paragraph (1) if the
 4 Secretary determines appropriate.

5 (f) REPORT.—Not later than 5 years after the date
 6 of enactment of this Act, the Secretary shall submit to
 7 Congress a report describing the implementation of this
 8 section.

9 (g) SAVINGS CLAUSE.—Nothing in this section shall
 10 be construed to affect any authority of the Secretary to
 11 cause or conduct a peer review of the engineering, sci-
 12 entific, or technical basis of any water resources project
 13 in existence on the date of enactment of this Act.

14 **SEC. 6. MITIGATION.**

15 (a) MITIGATION.—Section 906(d) of the Water Re-
 16 sources Development Act of 1986 (33 U.S.C. 2283(d)) is
 17 amended—

18 (1) in paragraph (1), by striking “to the Con-
 19 gress” and inserting “to Congress, and shall not
 20 choose a project alternative in any final record of de-
 21 cision, environmental impact statement, or environ-
 22 mental assessment,” and by inserting in the second
 23 sentence “and other habitat types” after “bottom-
 24 land hardwood forests”; and

25 (2) by adding at the end the following:

1 “(3) MITIGATION REQUIREMENTS.—

2 “(A) MITIGATION.—To mitigate losses to
3 flood damage reduction capabilities and fish
4 and wildlife resulting from a water resources
5 project, the Secretary shall ensure that mitiga-
6 tion for each water resources project complies
7 fully with the mitigation standards and policies
8 established by each State in which the project
9 is located. Under no circumstances shall the
10 mitigation required for a water resources
11 project be less than would be required of a pri-
12 vate party or other entity under section 404 of
13 the Federal Water Pollution Control Act (33
14 U.S.C. 1344).

15 “(B) MITIGATION PLAN.—The specific
16 mitigation plan for a water resources project re-
17 quired under paragraph (1) shall include, at a
18 minimum—

19 “(i) a detailed plan to monitor mitiga-
20 tion implementation and ecological success,
21 including the designation of the entities
22 that will be responsible for monitoring;

23 “(ii) specific ecological success criteria
24 by which the mitigation will be evaluated
25 and determined to be successful, prepared

1 in consultation with the Director of the
 2 United States Fish and Wildlife Service or
 3 the Director of the National Marine Fish-
 4 eries Service, as appropriate, and each
 5 State in which the project is located;

6 “(iii) a detailed description of the land
 7 and interests in land to be acquired for
 8 mitigation, and the basis for a determina-
 9 tion that land and interests are available
 10 for acquisition;

11 “(iv) sufficient detail regarding the
 12 chosen mitigation sites, and types and
 13 amount of restoration activities to be con-
 14 ducted, to permit a thorough evaluation of
 15 the likelihood of the ecological success and
 16 aquatic and terrestrial resource functions
 17 and habitat values that will result from the
 18 plan; and

19 “(v) a contingency plan for taking
 20 corrective actions if monitoring dem-
 21 onstrates that mitigation efforts are not
 22 achieving ecological success as described in
 23 the ecological success criteria.

24 “(4) DETERMINATION OF MITIGATION SUC-

25 CESS.—

1 “(A) IN GENERAL.—Mitigation under this
2 subsection shall be considered to be successful
3 at the time at which monitoring demonstrates
4 that the mitigation has met the ecological suc-
5 cess criteria established in the mitigation plan.

6 “(B) EVALUATION AND REPORTING.—The
7 Secretary shall consult annually with the Direc-
8 tor of the United States Fish and Wildlife Serv-
9 ice and the Director of the National Marine
10 Fisheries Service, as appropriate, and each
11 State in which the project is located, on each
12 water resources project requiring mitigation to
13 determine whether mitigation monitoring for
14 that project demonstrates that the project is
15 achieving, or has achieved, ecological success.
16 Not later than 60 days after the date of com-
17 pletion of the annual consultation, the Director
18 of the United States Fish and Wildlife Service
19 or the Director of the National Marine Fish-
20 eries Service, as appropriate, shall, and each
21 State in which the project is located may, sub-
22 mit to the Secretary a report that describes—
23 “(i) the ecological success of the miti-
24 gation as of the date of the report;

1 “(ii) the likelihood that the mitigation
2 will achieve ecological success, as defined
3 in the mitigation plan;

4 “(iii) the projected timeline for achiev-
5 ing that success; and

6 “(iv) any recommendations for im-
7 proving the likelihood of success.

8 The Secretary shall respond in writing to the
9 substance and recommendations contained in
10 such reports not later than 30 days after the
11 date of receipt. Mitigation monitoring shall con-
12 tinue until it has been demonstrated that the
13 mitigation has met the ecological success cri-
14 teria.”.

15 (b) MITIGATION TRACKING SYSTEM.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall establish a recordkeeping system to
19 track, for each water resources project constructed,
20 operated, or maintained by the Secretary and for
21 each permit issued under section 404 of the Federal
22 Water Pollution Control Act (33 U.S.C. 1344)—

23 (A) the quantity and type of wetland and
24 other habitat types affected by the project,
25 project operation, or permitted activity;

1 (B) the quantity and type of mitigation re-
 2 quired for the project, project operation, or per-
 3 mitted activity;

4 (C) the quantity and type of mitigation
 5 that has been completed for the project, project
 6 operation, or permitted activity; and

7 (D) the status of monitoring for the miti-
 8 gation carried out for the project, project oper-
 9 ation, or permitted activity.

10 (2) REQUIRED INFORMATION AND ORGANIZA-
 11 TION.—The recordkeeping system shall—

12 (A) include information on impacts and
 13 mitigation described in paragraph (1) that
 14 occur after December 31, 1969; and

15 (B) be organized by watershed, project,
 16 permit application, and zip code.

17 (3) AVAILABILITY OF INFORMATION.—The Sec-
 18 retary shall make information contained in the rec-
 19 ordkeeping system available to the public on the
 20 Internet.

21 **SEC. 7. PROJECT ADMINISTRATION.**

22 (a) CHIEF'S REPORTS.—The Chief of Engineers shall
 23 not submit a Chief's report to Congress recommending
 24 construction of a water resources project until that Chief's

1 report has been reviewed and approved by the Secretary
2 of the Army.

3 (b) PROJECT TRACKING.—The Secretary shall assign
4 a unique tracking number to each water resources project,
5 to be used by each Federal agency throughout the life of
6 the project.

7 (c) REPORT REPOSITORY.—The Secretary shall
8 maintain at the Library of Congress a copy of each final
9 feasibility study, final environmental impact statement,
10 final reevaluation report, record of decision, and report to
11 Congress prepared by the Corps of Engineers. These docu-
12 ments shall be made available to the public for review, and
13 electronic copies of those documents shall be permanently
14 available, through the Internet website of the Corps of En-
15 gineers.

○